IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.105 OF 2007

1. Prakash Dattatraya Patole
2. Ranganath Dattatraya Patole
3. Laxman @ Damu Dhondu Kashiwale ..Applicants

Vs.

The State of Maharashtra
(Through P.S.I. Kalyan Taluka
Police Station, Kalyan C.R.No.I-141
of 2006) ..Respondent

Mr. P.L. Bhujbal for applicants.
Mr. Y.S. Shine, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : January 23, 2007.

P.C.:

1. The applicants are three of the nine accused in C.R. No.I-141 of 2006 registered for offences punishable under Sections 326, 143, 147, 148, 149 and 427 of I.P.C. with the Kalyan Taluka Police Station. They had applied for anticipatory bail in Anticipatory Bail Application No. 806 of 2006 which came to be rejected by the learned 2nd Ad-hoc Additional Sessions Judge, Kalyan on 22/11/2006.

2. Perused the reasoning set out by the learned 2nd Ad-hoc Additional Sessions Judge in his order dated 22/11/2006 as well as the investigation papers placed before me by the learned APP. So far as the applicant no.3 Shri Laxman @ Damu Dhondu Kashiwale, who is impleaded as accused no.9 is concerned, it is alleged that he was holding an iron rod in his hand at the time of occurrence and he alleged to have assaulted the complainant Vinod on his left. Similarly against other two applicants there is an allegation that Ranganath Patole assaulted with a stick in his hand. I, therefore, do not find any reason why there is a necessity of custodial interrogation of applicant nos.2 and 3. So far as applicant no.1 Prakash is concerned, it is alleged that he assaulted with sword. The medical certificate issued by the Medical Officer of Rukminibai Hospital, Kalyan shows that Vinod sustained in all 3 injuries, the first one was simply, the second one grievous and the third one subdural. He was admitted for observation. The grievous injury is stated to be 0.5 cm x 0.5 cm with fracture. This certificate does not show any incised/cut wound. It does not indicate that

the victim was assaulted by any sharp weapon like sword. It is also seen from the record that the counter complaints have ben filed, impleading the complainant party. The alleged incident is stated to have taken place on 24/10/2006 i.e. before about three months.

3. Under the circumstances, this application succeeds and the same is hereby allowed. It is directed that in the event of the arrest of any of the applicants in connection with C.R. No.I-141 of 2006 registered with Kalyan Taluka Police Station, each one of them be released on PR bond in the sum of Rs.5000/- and one solvent surety for the like amount and on the condition that they shall report to the concerned police station every day between 2 p.m. to 6 p.m. for a period of four weeks from today.

(B.H. Marlapalle,J.)